

**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

PLI 25928

**FILE:** B-211119.2**DATE:** August 8, 1983**MATTER OF:** A. B. Dick Company**DIGEST:**

Protest filed in GAO is dismissed where material issues protested are before a court of competent jurisdiction and the court has not indicated interest in a GAO decision.

A. B. Dick Company (A. B. Dick) protests the award of a contract to CompuCorp by the Department of the Air Force (Air Force) under request for proposals (RFP) No. F41689-82-R-0014.

A. B. Dick contends that CompuCorp's proposal was technically unacceptable because it did not meet the RFP's mandatory specifications, that the Air Force improperly permitted an onsite evaluation of CompuCorp equipment, that, in any event, the Air Force should have rejected CompuCorp's offer based on the onsite evaluation findings, and that the Air Force improperly held discussions with the awardee after submission of best and final offers. Also, the RFP mandatory requirements were changed for CompuCorp without permitting other offerors an opportunity to compete on the basis of these changed requirements, and the option used to evaluate prices was improper. A. B. Dick also raises other improprieties in the award to CompuCorp.

While the protest was pending with our Office, A. B. Dick filed suit against the Government in the United States District Court for the District of Columbia (Civil Action No. 83-1610). The bases for the suit are substantially the same as those presented to our Office in the protest.

It is the policy of our Office not to decide protests where the material issues are pending before a court of competent jurisdiction unless the court requests, expects or otherwise expresses an interest in our decision. 4 C.F.R. § 21.10 (1983). To date, after a conference with the Judge and oral arguments, the district court has not expressed any interest in our decision.

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Therefore, we dismiss the protest. CACI, Inc.,  
B-210246, February 1, 1983, 83-1 CPD 113.

*F. H. Barclay Jr.*  
for Harry R. Van Cleve  
Acting General Counsel